

REMARKS

In complete response to the outstanding Official Action of August 18, 2008, on the above-identified application, reconsideration is respectfully requested. Claims 1 - 27 remain in this application. With this response, claims 25 - 27 have been added, and claims 13, 16, 18, and 19 have been amended to better define the present invention.

Drawings

The drawings are objected to under 37 CFR 1.83(a), for not showing every feature of the invention specified in the claims. Supplemental figures 1a, 2a, and 3a are herein submitted to provide details of the missing features. No new matter has been introduced.

Claim Rejections Under 35 U.S.C. § 103

Claims 13 – 18, and 23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rottman '246 in view of Ookouchi et al. '558. Applicants respectfully submit that claims 13 – 18, and 23 are not unpatentable over Rottman '246 in view of Ookouchi et al. '558.

The Examiner notes that Rottman '246 discloses applicants basic inventive concept "with the exception of specifying that lubricant free rolling bearings are used." The Examiner then cites Ookouchi et al. '558 as showing this feature "to be old in the rotary device art." The pinpoint citation (line 27 of column 27) is erroneous, as Ookouchi et al. '558 only contains 20 columns. In any case, Applicants respectfully point out that Ookouchi et al. '558 pertains to bearings designed to function in molten metal, and no one skilled in the art of designing compressors or turbines for cryogenic duty would refer to Ookouchi et al. '558 for a teaching or a suggestion. Applicants argue that this is non-analogous art and maintains the position as stated within the text of the specification that the use of a turbine with bearings is not known for an apparatus of gas separation by cryogenic distillation. Thus this rejection is improper and should be vacated.

Claims 19 – 22 and 241 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rottman '246 in view of Ookouchi et al. '558 and further in view of Nenov '307. As discussed above, the combination of Rottman '246 and Ookouchi et al.

'558 is invalid, and Nenov '307 to remedy this deficiency. Thus this rejection is improper and should be vacated.

CONCLUSION

In view of the current amendments, the present application now stands in condition for allowance. Early notice to this effect is earnestly solicited.

Respectfully submitted,

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